

REMARKS

Reconsideration and allowance of the subject application are respectfully solicited.

Claims 14 through 17 and 22 through 25 are pending, with Claim 24 being independent.

Claims 18 through 21 have been canceled without prejudice.

Claims 14 through 25 were rejected under the judicially-created doctrine of non-statutory obviousness-type double patenting over Claims 1 through 10 of US 7,538,147 B2 in view of US 5,990,227. All rejections are respectfully traversed, and are submitted to have been obviated by the filing herewith of a Terminal Disclaimer.

Claims 18 through 21 were rejected under 35 U.S.C. § 112, 2<sup>nd</sup> paragraph, as being indefinite. All rejections are respectfully traversed, and are submitted to have been mooted by cancellation without prejudice of those claims.

Applicants submit that this application is in condition for allowance, and a Notice of Allowance is respectfully requested.

Applicants' undersigned attorney may be reached in our Washington, D.C. office by telephone at (202) 530-1010. All correspondence should continue to be directed to our below-listed address.

Respectfully submitted,

/Daniel S. Glueck/  
Daniel S. Glueck  
Attorney for Applicants  
Registration No. 37,838

FITZPATRICK, CELLA, HARPER & SCINTO  
1290 Avenue of the Americas  
New York, New York 10104-3800  
Facsimile: (212) 218-2200  
DSG/MLB:lcw